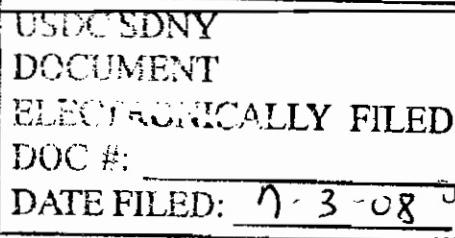


Federal Defenders OF NEW YORK, INC.

Southern District
52 Duane Street-10th Floor, New York, NY 10007
Tel: (212) 417-8700 Fax: (212) 571-0392

Leonard F. Joy
Executive Director



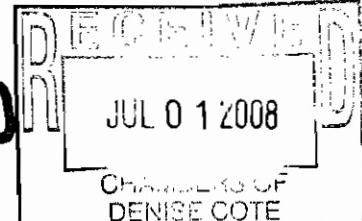
Southern District of New York
John J. Byrnes
Attorney-in-Charge

BY HAND

Honorable Denise L. Cote
United States District Judge
Southern District of New York
500 Pearl Street -- 10th Floor
New York, New York 10007

Re: United States v. Cuesado
07 Cr. 0799 (DLC)

MEMO ENDORSED



MEMO ENDORSED

Hon. Judge Cote:

I write to request an adjournment of Mr. Cuesado's sentence date of July 11, 2008.

I make this request after having submitted the defendant's sentencing memorandum and then having received the government's submission. The government's submission essentially argues that Dr. Miller's report does not show reduced mental capacity, an argument we did not anticipate given the content of her report.

To correct this misperception, we request an opportunity to have a psychologist evaluate Mr. Cuesado so that the government and the Court are fully apprised of Mr. Cuesado's mental health issues prior to sentence. I should have anticipated the government's argument and apologize to the Court for my oversight.

I, therefore, request a 45-day adjournment of his sentence so that we can have Mr. Cuesado evaluated and respond to the government's submission. AUSA Rosensaft has no objection to this request. Thank you.

Respectfully submitted,

Sabrina P. Shroff

*San Yance is
adjourned to
September 5 at
11:30 am.*

*Denise Cote
July 3, 2008*

cc: AUSA Rosensaft